

# **SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**APRIL 1, 2013**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Ms. Alves, Mr. McGee, Mr. Yazbak, Mr. Zwolenski and Mr. Flaherty. Town Administrator Hamilton and Town Solicitor Lombardi were also in attendance.

## **Disclaimer**

Mr. Flaherty read the following disclaimer: “The Town Council meeting is being filmed by a town volunteer and we appreciate his efforts to allow residents to view these proceedings on local cable. The Town is not responsible for the taping.”

## **PUBLIC HEARING RE: WAGE REOPENER FOR RI COUNCIL 94, AFSCME, AFL-CIO, LOCAL 937 CONTRACT**

Ms. Hamilton has proposed a \$.65 per hour increase retroactive to July 1, 2012 which is the final year of a three-year contract. This would mean a fiscal impact of \$21,710.55 that would come from the contingency fund.

Mr. Yazbak asked if the percentage increase could be provided. He also asked if the wages could be compared to the wages of two or three other towns of similar size. Mr. Yazbak questioned if there was

anything in this year's budget for the third year of the contract and Finance Director Brenda MacDonald stated she did not think so but she would check.

Police Dispatcher Bryan Dunton commented that on average North Smithfield wages are \$3.00 to \$4.00 per hour less than other communities.

MOTION by Mr. Zwolenski, seconded by Ms. Alves and Mr. McGee, and voted unanimously on an aye vote to continue the public hearing to April 15, 2013.

#### **PUBLIC HEARING RE: CONTRACT WITH INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS**

Ms. Hamilton stated the only issues under review are salaries, health care co-share and health care buy backs. Nothing else in the contract has changed.

Mr. Ralph Ezovski, representing the International Brotherhood of Police Officers, noted that a tentative contract has been reached with the town that was subsequently ratified by the membership last week.

The first year there would be no pay increase which would be the fourth year of no pay increase. In comparison with other towns in the state, North Smithfield places next to last in the rate of pay. The

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only changes would be an increase in the amount of health care co-share and a reduction in the medical buy back but Mr. Ezovski feels this contract is a fair one and asked the Council to consider it favorably.

Ms. Hamilton added that approval of this contract will eliminate interest arbitration scheduled for May.

Mr. Yazbak asked for comparables to other towns for the next meeting.

**MOTION** by Mr. Yazbak, seconded by Ms. Alves, and voted unanimously on an aye vote to continue the public hearing and the discussion/vote by Council to April 15, 2013.

## **PUBLIC HEARING/2ND READING ON ZONING ORDINANCE - WATER SUPPLY PROTECTION OVERLAY DISTRICT**

There was no further discussion on this ordinance.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2 on an aye vote (Mr. McGee and Mr. Yazbak voted no) to close the public hearing.

**MOTION** by Mr. Zwolenski, seconded by Ms. Alves, and voted 3 to 2 on a roll call vote (Mr. McGee and Mr. Yazbak voted no) to adopt the Water Supply Protection Overlay District ordinance.

**PUBLIC HEARING ON ZONING ORDINANCE - WETLAND SETBACKS  
FOR ONSITE WASTE WATER TREATMENT SYSTEMS, OWTS,  
BUILDINGS AND IMPERVIOUS SURFACES**

**Lorraine Joubert of the Nonpoint Education for Municipal Officials  
Program suggested several amendments:**

**Section 6.12.3(3) Date of Passage will need to be filled in.**

**Section 6.12.3(4) . . . “approval from the Planning Board or from DEM  
prior to the adoption . . .”**

**Section 6.12.3(5)(c) amended to read, “Total impervious surface  
coverage shall not exceed those specified in Section 6.12.2(7)(b)”**

**Section 6.12.2(7)(A)(5) Operation and Maintenance. “All installations  
of Advanced OWTS Treatment technologies or any other OWTS with  
mechanical components shall include a continuous . . .”**

**Section 6.12.2(7)(B) There is no longer any need to specify fifteen  
percent because there are specific percentages identified in the Water  
Supply Protection Overlay ordinance. Therefore, the first sentence  
should read, “Total impervious cover shall be reduced to the  
maximum extent practicable.”**

**The first sentence could also read, “Total impervious cover shall be**

reduced to the maximum extent practicable using the standards within the RI Stormwater Design and Installation Standards Manual and supported by guidance documents.”

Section 6.12.2(7)(D) “Also, there shall be a minimum ten foot fifteen foot horizontal separation distance . . .” The end of the sentence could also include, “or as otherwise amended.”

Mr. Yazbak and Mr. McGee questioned why the town just wouldn’t use DEM standards.

Ms. Joubert responded the problem is DEM requires towns to regulate stormwater runoff on lots with disturbance between one acre and five acres or less.

Section 6.12.3(7) amended to “This ordinance section . . .”

Section 6.12.4, first paragraph - “As such, all cesspools should be brought into conformance with current and local standard within 12 months after the sale or transfer of a property . . .”

Ms. Joubert stated the DEM cesspool phase-out date for the 200-foot buffer is January 1, 2014 and the hardship date is January 1, 2019.

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That applies only to the 200-foot buffers. It does not apply anywhere

in the state townwide. DEM would not be eliminating residential cesspools beyond the 200-foot buffer. Larger cesspools have already been phased out as of a number of years ago.

Section 6.12.4, second paragraph - “This subsection shall take effect as of (Jan. 1, 2014 or other date proposed by Town Council) unless: either a listing agreement contract with a licensed real estate broker shall have been signed by the owner(s) of the property and the broker prior to June 1, 2013, in which case any buyer(s) of said property from that owner(s) while the listing agreement contract is in effect shall be exempt from this requirement; or a purchase and sales agreement for the property shall have been signed by the owner(s) of the property and the prospective buyer(s) prior to June 1, 2013, in which case . . .”

Section 6.12.5 Definitions. References for the DEM source material could be deleted.

Mr. Gary Ezovski stated the Council was misled at the last meeting as to the intent of the House bill introduced, not by the Rhode Island Builders Association, but by his subcommittee at the Small Business Economic Summit. Bill H5425 was introduced as an attempt to create a circumstance where current DEM regulations would be reviewed over a certain timeframe to get to a statewide standard. He suggested the Council members take a look at the 2012 list that “delists” all but one of the water bodies that were claimed to be

**contaminated at the last meeting.**

**Mr. Flaherty wondered why DEM has not set standards that go beyond the minimum and recognize the actual resource that needs to be protected. Instead it seems that DEM sets minimum standards and relies on each community to look at the resources they believe need to be protected. He feels it would be better if DEM went out and looked at all the resources and put forth a bill that protects those resources.**

**Ms. Joubert stated it would be a huge task for DEM to create standards that would encompass all the circumstances that occur throughout the state.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 5 to 0 on an aye vote to continue the public hearing and the second reading to April 15, 2013.**

## **NORTH SMITHFIELD HIGH SCHOOL BOYS BASKETBALL TEAM**

**Citations prepared by the Town Council and the Town Administrator were presented to the high school boys basketball team for their outstanding achievement of having an undefeated regular season and making it to the semi-finals of the Rhode Island State Championship.**

## **CONSENT AGENDA**

**Approval of Minutes**

**Mr. Flaherty corrected minutes of February 4, 2013 in reference to the zoning ordinance Groundwater Aquifer Protection Overlay District: “After the December 17th Council meeting, Gary Ezovski had been asked to offer some standards that could be built into this ordinance. which he did.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to approve the minutes of February 4, 2013 as amended.**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 0 on an aye vote (Mr. Yazbak did not vote as he did not attend that meeting) to approve the minutes of March 9, 2013.**

**MOTION by Mr. Zwolenski, seconded by Mr. Yazbak, and voted unanimously on an aye vote to approve the minutes of March 18, 2013.**

#### **APPOINTMENT OF 2ND ALTERNATE TO PLANNING BOARD**

**Although Ms. Alves did have a person to nominate it was decided to hold off until the next meeting so that she could provide some background information.**

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#### **APPOINTMENT TO SEWER COMMISSION**



**There was no appointment.**

#### **APPOINTMENT OF 2ND ALTERNATE TO ZONING BOARD**

**There was no appointment.**

#### **APPOINTMENT TO JUVENILE HEARING BOARD**

**Ms. Hamilton appointed James Tracy to complete a three-year term that will expire on December 1, 2013.**

#### **TIME TABLE FOR BUDGET REVIEW PROCESS**

**There is the feeling that there is conflicting information and timelines in the charter having to do with the budget process. The Budget Committee will present their budget on April 8th; however, they don't really have reliable numbers at that time. The committee hoped to be able to continue their work to sometime in June in order to be able to present a more up-to-date budget recommendation. There was consensus among the Council members that the Budget Committee would be allowed to continue gathering additional information and that all departments and the administrations would continue to work with the committee and provide that information.**

#### **NORTH SMITHFIELD MINI-BUS SERVICE, INC.**

**Ms. Hamilton informed the Council members that the mini-bus service, not a department of the town, is liquidating its assets. She had asked Mr. Peter Branconnier if it would be possible to donate or sell the buses to the town. Mr. Branconnier was told that because of**

501(C)(3) regulations, they are unable to do so. The buses will be auctioned and the proceeds will go to another 501(C)(3) organization. Ms. Hamilton is hopeful that the Flex Service busing in town will be able to take up some of the slack.

Mr. Flaherty noted that the equipment is getting old and becoming too much to maintain even if the town could take it over. The flex zone has been increased and he feels keeping the mini bus could be a duplication of effort but Mr. Flaherty suggested the Council would be willing to discuss it further with Mr. Branconnier.

#### **CONTRACT WITH TOWN SOLICITOR**

Mr. Lombardi prepared a contract at Mr. Flaherty's request; however, the Clerk did not receive it in time to put in the Council packets. The matter will be placed on the next agenda.

#### **TIME TABLE FOR BUDGET REVIEW PROCESS**

MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted unanimously on an aye vote to entertain Budget Committee Chairman Michael Clifford for informational purposes because he had just arrived from a Budget Committee meeting.

Mr. Clifford was reassured that the Budget Committee would be allowed to continue to work on the budget.

#### **SLATERSVILLE PEDESTRIAN IMPROVEMENTS**

**Mr. Yazbak abstained from this discussion because he is an abutter to the project.**

**This project was originally brought forth in the early 1990s. Improvements were to be made to the hairpin turn. Sidewalks were to be installed.**

**Town Planner Robert Ericson was able to recommend a bridge design that will shorten the time the bridge will be closed from three years to approximately eight months and it will be less costly.**

**Ms. Hamilton and Mr. Flaherty drafted a letter to RIDOT requesting its support to include pedestrian improvements in with the bridge design. In it they spoke about plans for the village to become part of a new National Park, how the need for a pedestrian village has grown and how it now has economic development dimensions. Since Alternative III for the redesign of the Stone Arch Bridge will now mean less cost, it was hopeful that the savings could be used for some of the pedestrian improvements.**

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**MOTION by Ms. Alves, seconded by Mr. Zwolenski, and voted 4 to 0 on a roll call vote (Mr. Yazbak recused) to authorize the Town Administrator and the Town Council President to sign and send the letter to Michael Lewis, Director of the Rhode Island Department of**

**Transportation.**

### **TRUCK TRAFFIC ON MAIN STREET/STONE ARCH BRIDGE**

**Mr. Yazbak commented that there used to be a five-ton limit on the Stone Arch Bridge but the sign has since been removed.**

**Ms. Hamilton explained that a load test had been done in 2009 and the bridge was then rated for 93,800 pounds.**

**Because of the sharp turns in front of Town Hall and the narrowness of the road, Mr. Yazbak doesn't feel truckers should use that route to get out of the Industrial Park. He wondered if there was a way to ask the state to limit truck traffic even though it is a state road or whether the town could take over the ownership of Main Street.**

**Mr. Flaherty felt that the letter to the Department of Transportation could open up dialogue about this whole matter.**

### **MOVING MEETINGS TO THE NORTH SMITHFIELD MIDDLE SCHOOL**

**There was discussion at the March 9th All Boards meeting about moving meetings to the Middle School at least on a temporary basis and also about forming a committee to look at facility needs.**

**Ms. Hamilton noted that the recording equipment at Kendall-Dean is antiquated; that some of the larger boards could also meet at the middle school; and that there is air conditioning, an audio visual**

projector and a stage with lighting. One drawback is that the seats are hard.

Mr. Zwolenski commented that the school bond was approved with the idea that the middle school would be used by town boards and youth groups and that isn't being done.

Mr. Flaherty said Kendall-Dean needs significant rehabilitation and he would like to see that done as part of a larger strategy for all town space needs. If there are no meetings there for a while, it would allow for rehab to take place.

Mr. Yazbak stated there was a plan to rehab Kendall-Dean but it somehow went by the wayside. There was a company willing to donate tens of thousands of dollars and people were available to provide labor. The problem with the middle school is security. If Kendall-Dean could be renovated without interruption, it could be a spectacular room if done right. He would like to go back to the original plan.

Mr. McGee agreed that if Kendall-Dean was going to be kept, it would need to be upgraded. He did not believe the cost would be that great.

Mr. Flaherty was interested in having a broad bond that would be comprehensive and look at long-term solutions rather than a band-aid

**approach.**

**Ms. Hamilton was asked to speak with the Superintendent to see what would be needed to move forward, even temporarily.**

**AWARD OF BID RE: POLICE CRUISER**

**MOTION by Mr. Zwolenski, seconded by Ms. Alves, and voted 4 to 1 on a roll call vote (Mr. Yazbak voted no) to award the bid to MHQ in the amount of \$31,280.00 based upon the recommendation of Chief Reynolds.**

**Mr. Yazbak questioned whether the bid could be awarded to a company that was not the lowest bidder.**

**In a letter to Finance Director MacDonald, Chief Reynolds did state that the bid from Ashley Ford Sales Inc. did not list a complete description of the vehicle specifications.**

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**PUBLIC HEARING DATE FOR ZONING ORDINANCE SECTION 17**

**The date for the public hearing was scheduled for May 20, 2013.**

**MOTION by Ms. Alves, seconded by Mr. McGee, and voted unanimously on an aye vote to adjourn at 9:40 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**